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### REMARKS

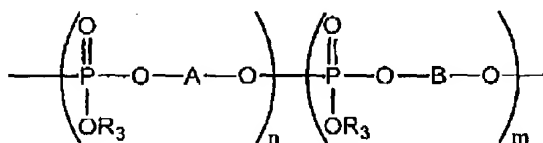
The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the following remarks.

Claims 1-9, 11-22, and 24-36 are currently pending in the application. Claims 1, 11, 17, 24, 26, 27, and 29 have been amended, and claims 10, 23, 37-71 have been cancelled without prejudice or disclaimer to Applicants right to pursue the subject matter of the cancelled claims in this or a subsequent application. Support for the amendments to the claims can be found in the specification and the claims as originally filed. No new matter has been added by the amendments to the specification or the claims.

Applicants appreciate the Examiner's review of the specification. The instant amendment corrects the obvious typographical errors pointed out in the prior office action.

Claims 1-36 and 60 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 17 as originally filed particularly points out and distinctly claims the subject matter of the invention. That is, claims 1 and 17 provides polyphosphates according to the formula:



Thus, the claims, as amended, are fully compliant with the requirements of 35 U.S.C. §112, including the requirements of §112, second paragraph.

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Claims 1-15, 17-20, 31 and 33 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Reiersen (U.S. Patent 5,846,923).

The rejection is respectfully traversed.

As the document is understood, Reiersen teaches a surfactant composition having phosphate linkages in the main chain wherein each phosphate group has a hydroxy residuc. That is, as provided by the detailed description of Reiersen, the surfactants have terminal  $-P(O)(OH)_2$  residues and one or more  $-O-P(O)(OH)-O-$  linkages in the main chain. None of the compositions taught or suggested by Reiersen include a non-hydrogen side chain on the phosphate residues.

In contrast, claim 10 provides compounds in which  $R_3$  (the phosphate side chain substituent) is selected from  $C_{1-20}$ alkyl,  $C_{5-20}$ aryl,  $C_{5-20}$ heteroaryl,  $C_{3-8}$ heteroalicyclic,  $C_{3-8}$ cycloalkyl,  $C_{7-20}$ aralkyl or  $C_{3-8}$ cycloalkyl  $C_{1-20}$ alkyl; and each occurrence of  $R_3$  can be optionally substituted with one or more neutral or charged groups or one or more hydrophobic moieties.

Thus, claims 1 and 17, as amended, are patentable over the Reiersen patent. Claims 2-9, 11-16, 18-22, 24-36 depend from either claim 1 or 17 and are therefore also patentable over Reiersen.

Claims 1-9, 12-15, 17, 20, 27, 29, 31, and 33 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Nakaya et al (Macromolccules, 1989, 22:3180-3181).

Claims 1-9 and 17-20 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Yamada et al (J. Macro. Sci., Pure and App. Chem., 1995, A32(10):1723-1733).

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Claims 1-2, 4-9, 12-13, and 17-20 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Korematsu et al (Pol. Bull. (Berlin) 1997: 38(2): 133-140).

Claims 1-9 and 17-20 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Li et al (Macromol. Rapid Comm., 1996, 17:734-744).


Each of the rejections under §102(b) in view of Nakaya, Yamada, Korematsu, and Li has been rendered moot in part because the subject matter of claim 10 has been incorporated into claim 1 and the subject matter of claim 23 has been incorporated into claim 17.

Neither claim 10 or claim 23 was rejected based on the disclosure of Nakaya, Yamada, Korematsu, and/or Li, thus claims 1 and 17 are patentable over each of the cited documents. Claims 2-9, 11-16, 18-22, 24-36 depend from either claim 1 or 17 and are therefore also patentable over the cited documents

Early consideration and allowance of the application are earnestly solicited.

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Respectfully submitted,



John B. Alexander, Ph.D. (Reg. No. 48,399)  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice  
Edwards & Angell, LLP  
P.O. Box 55874  
Boston, MA 02205  
Tel: 617-517-5557  
Fax: 617-439-4170

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